

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed November 29, 2006. The Office Action rejected Claims 26-45. Claim 31 has been canceled and Claims 46 and 47 have been added. Thus, Claims 26-30 and 32-47 are pending. Applicant respectfully requests reconsideration and favorable action in this case.

Claim Amendments

Claim 1 has been amended to include limitations relating to attenuating “real-time audio data and stored audio data associated with a point source . . . to simulate relative positions of the source audio client, the point source, and a target audio client.” These amendments are fully supported by the original specification. *See e.g.*, pages 6 and 16 of the Application as originally filed.

Claim Rejections under 35 U.S.C. § 103

The Examiner rejects Claims 26-37, 39-42, 44 and 45 under 35 U.S.C. § 103(a) as being unpatentable over U. S. Patent No. 5,710,591 by Bruno et al. (“*Bruno*”) in view of IEEE 1993, “Virtual gain for audio windows.” by Cohen et al. (“*Cohen*”). Applicant respectfully traverses these rejections.

Claim 26, as amended, is directed to an audio conferencing method wherein real-time audio data (received from a source audio client) as well as stored audio data (associated with a point source) is attenuated to simulate relative positions of the source audio client, the point source, and a target audio client.

Neither *Bruno* nor *Cohen*, together or separately, teach, suggest, or disclose attenuating “real-time audio data and stored audio data . . . to simulate relative positions” Claim 26 contemplates an invention, capable of attenuating real-time audio data from a source audio client and stored audio data associated with a point source. Nowhere does *Bruno* or *Cohen*, alone or in combination teach, disclose, or suggest attenuating “real-time audio data and stored audio data . . . to simulate relative positions” as contemplated by Claim 26.

Insofar as either *Bruno* or *Cohen* address audio conferencing, the discussion of audio data is limited to “live or recorded” audio data. See *Cohen*, § 0.1, ¶ 2 (emphasis added); See Also, *Bruno*, abstract (discussing a system for recording and indexing audio and/or video information exchanged between participants in a conference call). Consequently, neither *Bruno* nor *Cohen*, alone or in combination disclose, teach or suggest attenuating “real-time audio data and stored audio data. . . to simulate relative positions of the source audio client, the point source, and a target audio client” as contemplated by the method of Claim 26.

Similar to Claim 26, Claim 44 includes limitations wherein real-time audio data (received from an audio client) as well as stored audio data (associated with a point source) are attenuated to simulate relative positions of the source audio client, the point source, and a target audio client. As discussed above with regard to Claim 26, these limitations are not disclosed, taught, or suggested by the *Bruno-Cohen* combination. For at least these reasons, Applicant respectfully contends that Claim 44 is in condition for allowance.

The Examiner rejects Claim 38 under 35 U.S.C. § 103(a) as being unpatentable over *Bruno* and *Cohen* as applied to Claim 26 above, and further in view of U.S. Patent No. 5,452,447 to Nelson et al, (“*Nelson*”). Furthermore, the Examiner rejects Claim 43 under 35 U.S.C. § 103(a) as being unpatentable over *Bruno* and *Cohen* as applied to Claim 26 above, and further in view of U.S. Patent No. 5,864,816 to Everett, (“*Everett*”).

Claims 27-43 and Claims 45-47 each depend, either directly or indirectly, from Claim 26. Therefore, Applicants respectfully contend that Claims 27-43 and Claims 45-47 are each patentably distinguishable from the references cited by the Examiner at least for the same reasons discussed above with regard to their respective base claims. Moreover, Applicants respectfully contend that neither the *Nelson* reference nor the *Everett* reference cure the deficiencies in the teachings of *Bruno-Cohen* combination, discussed above with regard to their base claims.

Conclusion

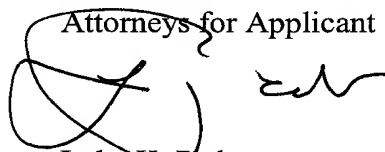
Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicant respectfully requests full allowance of all pending Claims.

If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

Applicant believes no fee is due. However, should there be a fee discrepancy, the Commissioner is hereby authorized to charge any required fees or credit any overpayments to Deposit Account No. **02-0384** of **Baker Botts L.L.P.**

Respectfully submitted,

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